

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MATTHEW GAMEWELL,

Plaintiff,

v.

**LAFAYETTE INDUSTRIES NORTH,
INC.**

Defendant.

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Case No. 4:21-cv-00523

NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI:**

COMES NOW, Lafayette Industries North, Inc. (hereinafter “Defendant”), by and through its undersigned counsel and hereby files its Notice of Removal from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. §§ 1441, and 1446(d). In support thereof, Defendant respectfully states to this Honorable Court as follows:

I. INTRODUCTION AND BACKGROUND

1. On December 29, 2020, Plaintiff Matthew Gamewell (“Plaintiff”) filed a civil action against Defendant Lafayette Industries North, Inc. (“Defendant”) in the Circuit Court of St. Louis County, Missouri entitled Matthew Gamewell v. Lafayette Industries North, Inc., Case No. 21SL-CC00023 (the “Lawsuit”).

2. The Lawsuit is a civil action seeking damages for claims asserted under the Missouri Human Rights Act (“MHRA”), Mo. Ann. Stat. § 213.010, *et seq.*, and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, *et seq.*, as amended. (Exhibit 1, Petition).

3. On April 28, 2021, a copy of the Summons and Petition in the Lawsuit was received by Defendant (Exhibit 1, Proof of Service).

4. Pursuant to 28 U.S.C. § 1446(b), Defendant has timely filed this Notice of Removal within thirty (30) days of receiving service of Plaintiff's Petition initiating the Lawsuit.

5. Venue lies in this Court because Plaintiff's action is pending in the Circuit Court of the Twenty-First Judicial District, St. Louis County, Missouri, which is within this district and division. 28 U.S.C. § 1441(a).

6. Defendant's Notice of Removal is accompanied by written notice to Plaintiff and a copy of the Notice of Removal is being filed with the Court of the applicable state court as required by 28 U.S.C. § 1446(d).

7. A copy of all process, pleadings, and orders served on Defendant in said action are attached hereto (Exhibit 1).

II. GROUND FOR REMOVAL

A. FEDERAL QUESTION

8. Plaintiff has purported to state federal questions on the face of his Petition by alleging Defendant violated the ADA.

9. Thus, this Court has original jurisdiction over the above-described action on the basis of a federal question pursuant to 28 U.S.C. § 1331 as a result of Plaintiff's claims asserted under the ADA.

10. This matter may be properly removed without regard to the citizenship or residence of the parties pursuant to 28 U.S.C. § 1441(a).

11. In the event this matter is removed without regard to citizenship or residence of the parties, this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's remaining related MHRA claims.

III. NON-WAIVER OF DEFENSES

12. By removing this action from the Circuit Court of the Twenty-First Judicial District, St. Louis County, Missouri, Defendant does not waive any defenses available to it.

13. By removing this action from the Circuit Court of the Twenty-First Judicial District, St. Louis County, Missouri, Defendant does not admit any of the allegations in plaintiff's complaint.

WHEREFORE, Defendant provides Notice of Removal of the above-styled action pending in the Circuit Court of St. Louis County, State of Missouri, to the United States District Court for the Eastern District of Missouri. To the extent this Court determines that additional information is needed to determine whether removal in this matter is proper, Defendant respectfully requests this Court to provide it leave to supplement such additional information that the Court deems necessary to make such a determination.

Respectfully submitted,

McMAHON BERGER, P.C.

/s/ Robert D. Younger

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CERTIFICATE OF SERVICE

I certify that on May 4, 2021, I electronically filed the foregoing with the Clerk of the United States District Court for the Eastern District of Missouri by using the CM/ECF system and that a copy of the foregoing was served via first class mail, postage prepaid, upon the following:

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/s/ Robert D. Younger